UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

3:16-cv-00300-MOC (3:13-cr-00173-MOC-1)

KENNETH LAMONT MOORE, Jr.,)
Petitioner,))
vs.)
UNITED STATES OF AMERICA,) <u>ORDER</u>)
Respondent.)
	_)

THIS MATTER is before the Court on its own motion on the Government's Response to Order to Show Cause [Doc. 8] and the United States Supreme Court's decision in <u>United States v.</u> Davis, No. 18-431.

Petitioner's Section 2255 Motion to Vacate Sentence [Doc. 1] has been stayed since August 9, 2016, pending the decision of the Fourth Circuit Court of Appeals in <u>United States v. Ali</u>, No. 15-4433. The Fourth Circuit stayed <u>Ali</u> pending the Supreme Court's decision in <u>United States v. Davis</u>, No. 18-431. On June 24, 2019, the Supreme Court decided <u>Davis</u>. On September 16, 2019, the Court ordered the parties to show cause as to why the stay should not be lifted in light of <u>Davis</u>. On September 30, 2019, the Government filed a response indicating that it agrees the stay should be lifted, requests 45 days to respond to the Petitioners Section 2255 Motion and represents that counsel for Petitioner consents to this request. [Doc. 8].

IT IS, THEREFORE, ORDERED that the stay in this matter is hereby **LIFTED** and the Government shall have until November 14, 2019, to file its response in this matter.

Signed: October 8, 2019

